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REMARKS

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GROUP 1700

1. Status of claims

After entry of the above amendment, and according to Applicants' records, claims 1-17, 19-42, and 44-49 are pending, and claims 31-34 are withdrawn.

2. Support for amendment

The current amendment of claims 1, 14, 28, 36, and 40 finds support in the specification at p. 7, lines 20-26. The current amendment of claim 19 corrects an oversight, specifically, the claim on which it previously depended was cancelled in response to the previous Office Action and the dependency of claim 19 was not changed. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. §103

Claims 1-17, 19-30, and 35-49 [sic] are rejected under 35 U.S.C. §103(a) as being unpatentable over Akkapeddi et al., U.S. Pat. No. 6,423,776 (hereinafter "Akkapeddi"), in view of Speer et al., U.S. Pat. No. 5,211,875 (hereinafter "Speer '875") or Speer et al., U.S. Pat. No. 5,498,364 (hereinafter "Speer '364"). Applicants cancelled claim 43 in the response to the Office Action dated August 14, 2003, and respectfully submit the pending claims under consideration at this time are claims 1-17, 19-30, 35-42, and 44-49. Applicants respectfully traverse this rejection.

Akkapeddi refers to blends of (i) a polyamide homopolymer, copolymer, or blend thereof and (ii) an oxidizable polydiene or polyether (col. 3, lines 45-48). Akkapeddi teaches the blend

may be formed as a layer in a multilayered structure further comprising, *e.g.*, a layer comprising ethylene/vinyl alcohol (EVOH) or an acrylonitrile copolymer (col. 8, lines 41-48). The words "vinyl alcohol" and the word fragment "nitrile" do not appear elsewhere in the text of Akkapeddi (determined by text search for the quoted words/word fragment in an electronic copy of Akkapeddi located at <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=6423776.WKU.&OS=PN/6423776&RS=PN/6423776>, accessed April 22, 2003).

Speer '875 and Speer '364 teach oxygen scavenging compositions comprising ethylenically unsaturated hydrocarbons (Speer '875 and Speer '364, col. 3, line 40-col. 4, line 55). The references teach the composition can form a layer in a multilayer structure further comprising, *e.g.*, an oxygen barrier layer containing EVOH, polyacrylonitrile, or poly(vinylidene dichloride) (Speer '875, col. 7, lines 58-68; Speer '364, col. 7, lines 46-55). The words "vinyl alcohol" and "vinylidene" and the word fragment "nitrile" do not appear elsewhere in the text of Speer '875 or Speer '364 (determined by text search for the quoted words/word fragment in electronic copies of Speer '875 and Speer '364, located at <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=5211875.WKU.&OS=PN/5211875&RS=PN/5211875> and <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO1&Sect2=HITOFF&d=PALL&p=1&u=/netahtml/srchnum.htm&r=1&f=G&l=50&s1=5498364.WKU.&OS=PN/5498364&RS=PN/5498364>, both accessed April 22, 2003).

The references all refer to multilayer structures comprising an oxygen scavenging layer and a separate oxygen barrier layer. In other words, the references teach oxygen scavenging polymers and oxygen barrier polymers that are physically separated in distinct layers. Therefore,

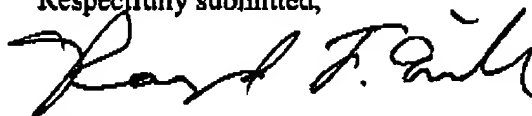
their combination teaches and suggests such *multilayer* structures wherein the barrier polymer and the scavenging polymer are *separated*.

The present claims, in contrast, refer to compositions comprising a *blend* of a barrier polymer and a scavenging polymer, wherein the scavenging polymer is derived at least in part from xylylene diamine (p. 6, lines 4-5; p. 7, lines 5-6). The composition can form a *single layer* structure (*see, e.g.,* claim 14). Because such claimed compositions are neither taught nor suggested by the references, the claims are patentable over Akkapeddi in view of either Speer '875 or Speer '364, and Applicants respectfully request this rejection be withdrawn.

4. Closing remarks

In conclusion, Applicants attest that all pending claims under consideration, specifically, claims 1-17, 19-30, 35-42, and 44-49, are in condition for allowance. The Examiner is invited to contact the undersigned agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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May 7, 2003

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